

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEGAN WINSTEAD, et al.,)
Plaintiffs,)
v.)
BROOKHAVEN RETREAT, LLC,)
Defendant.)

No. 3:19-CV-162-KAC-DCP

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion to Withdraw as Counsel for Plaintiff, Lisa Nobles [Doc. 45], filed by Attorney Jeffrey Taylor. For grounds, the Motion states that Plaintiff Nobles has been previously advised that Attorney Taylor would be withdrawing from this matter. In addition, the Motion explains that Plaintiff Nobles has advised Attorney Taylor that she is seeking other counsel as to her claim against Defendant. The Motion includes Plaintiff Nobles's telephone number and address.

Pursuant to Local Rule 83.4, in order to withdraw from a case, an attorney must do the following:

- (1) File a motion with the Court requesting permission to withdraw as counsel of record;
- (2) Include in the motion the current mailing address and telephone number of the client;
- (3) Unless the motion is signed by both the attorney and the client or a consent to the withdrawal signed by the client is attached to the motion, provide a copy of the motion to the client at least 14 days prior to the date the motion is filed;

- (4) If a hearing date on the motion is set, certify in writing to the Court that the client was served at least 7 days before the hearing with notice (i) of the date, time, and place of hearing and (ii) that the client has a right to appear and be heard on the motion; and
- (5) Certify to the Court that the above requirements have been met.

The Court finds that Attorney Taylor's Motion to Withdraw complies with the Local Rules, except that the Motion does not explain whether he provided a copy of his Motion to Plaintiff Nobles within fourteen (14) days of filing. The Court notes, however, that it was notified a year ago that Plaintiff Nobles "expressed a desire . . . to proceed with the instant action with new counsel." [Doc. 44 at 1] (quoting [Doc. 35 at 5]). Given that Plaintiff Nobles is aware of Attorney Taylor's desire to withdraw and she is seeking other counsel, the Court will **GRANT** the Motion to Withdraw as Counsel for Plaintiff, Lisa Nobles [**Doc. 45**]. The Court expects Attorney Taylor to provide copies of any relevant documents to any future counsel for Plaintiff Nobles or directly to Plaintiff Nobles upon request. Attorney Taylor is **RELIEVED** of his duties as counsel in this case.

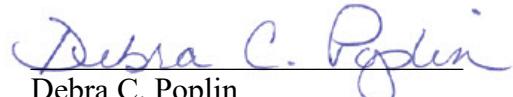
Plaintiff Nobles is hereby **ADMONISHED** that she is **DEEMED** to be proceeding pro se. Until she obtains substitute counsel, it is her obligation to stay up to date on the status of this case and comply with the deadlines set by the Court. Likewise, if she elects to proceed in this case without an attorney, she is responsible for complying with all deadlines set by the Court and responding to any requests for relief by other parties, see E.D. Tenn. L.R. 7.1. Plaintiff, like any other party, will be expected to comply with the Federal Rules of Civil Procedure, the Local Rules, and the Court's Orders. The Court notes that the District Judge entered an Order to Show Cause on November 10, 2021, directing Plaintiff Nobles to show cause within fourteen (14) days as to

why her claims should not be dismissed. [Doc. 44]. Plaintiff Nobles did not respond; however, her counsel has now withdrawn, and she is proceeding pro se. Given these circumstances, Plaintiff Nobles **SHALL** respond to the Court's Order to Show Cause [Doc. 44] within fourteen (14) days of the instant Order.

The Clerk of Court is **DIRECTED** to mail a copy of the Court's Order to Show Cause [Doc. 44] and this Memorandum and Order to Plaintiff Nobles at the address provided in the Motion to Withdraw and to update ECF accordingly.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge